

**MINUTES OF THE  
UTAH WATERWAYS TASK FORCE**

Thursday, November 18, 2010 – 11:00 a.m. – Room 250, State Capitol

**Members Present:**

Sen. Dennis E. Stowell, Senate Chair  
Rep. Melvin R. Brown, House Chair  
Sen. Curtis S. Bramble  
Sen. Margaret Dayton  
Rep. Jack R. Draxler  
Rep. James R. Gowans  
Sen. Peter C. Knudson  
Rep. Kay L. McIff  
Sen. Karen W. Morgan

**Members Absent:**

Sen. Benjamin M. McAdams  
Rep. Lynn N. Hemingway  
Rep. Bill Wright

**Staff Present:**

Mr. J Brian Allred, Policy Analyst  
Mr. Christopher R. Parker, Associate General Counsel  
Ms. Kimberly A. Heiner, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.leg.utah.gov](http://www.leg.utah.gov).

**1. Committee Business**

Chair Brown called the meeting to order at 11:06 a.m. Rep. Hemingway was excused from the meeting.

**MOTION:** Sen. Dayton moved to approve the minutes of the September 30, 2010 meeting. The motion passed unanimously with Sen. Bramble absent for the vote.

**2. Walk-in Access Update**

Mr. Jim Karpowitz, Director, Division of Wildlife Resources (DWR), distributed a brochure on the Walk-in Access program, a handout about the program, and a handout detailing funding of the Walk-in Access program. He explained that the program provides access to streams across private properties, as well as access to hunting lands. Mr. Karpowitz said the program is also designed to provide compensation to land owners. The program does not attempt to resolve constitutional issues with 2010 General Session H.B. 141, "Recreational Use of Public Water on Private Property." He indicated that DWR will work closely with anglers and hunters to fine tune the program, as well as work closely with constituents to make sure it works for everyone involved. He requested that the Task Force recommend that the current \$300,000 appropriation be made an ongoing appropriation and that the executive appropriations committee approve the federal grant for the second year.

Mr. Karpowitz responded to questions from the Task Force.

Chair Brown requested that the Task Force be notified of DWR's program survey of anglers to evaluate the impact of H.B. 141.

**MOTION:** Rep. McIff moved that the Utah Waterways Task Force endorse the Utah Division of Wildlife Resources' proposed plan to expand the Walk-in Access Program because of the benefits to

both anglers and private landowners; and further, that the task force strongly endorse the Executive Appropriations Committee's approval of one million dollars from the federal farm bill for the Walk-in Access program for the current year, and encourage approval of the same amount for next year; and further, that the task force support an ongoing \$300,000 appropriation of restricted funds for Walk-in Access. The motion passed unanimously with Sen. Bramble absent for the vote.

### **3. Ted Wilson, Governor's Senior Environmental Advisor**

Mr. Ted Wilson, Governor's Senior Environmental Advisor, stated he has been meeting with a selected group of people representing private property interests and the angler community to try to reach a consensus on stream access. He said out of the meetings came a desire to work with the DWR to put together a list of rivers that are not disputed and have been historically fished to eliminate any uncertainty regarding angler access.

Mr. Wilson indicated his support of the motion that was approved by the Task Force.

### **4. Jim Karpowitz, Director, Division of Wildlife Resources**

Mr. Karpowitz commented that DWR would create an inventory of streams in Utah indicating which have had historic use as well as which ones currently have permissive use. He also indicated that DWR would work closely with anglers and the public.

### **5. Public Comment**

Mr. John Ludlum, private citizen, expressed disappointment with representation in the legislative process. He stated that passage of H.B.141 was rushed and that it is unconstitutional.

Mr. Herbert Ley, private citizen, said he believes that the waters belong to the people. He praised DWR's on-line map indicating public waters, but said he would like clarification on which lands have public access.

Mr. David J. McCoy, private citizen, stated he was taught to respect private and public land. He said he also believes the water is owned by the people for the people and did not see how anyone can claim to own the land below the stream bed.

Dr. Allan Gomez, private citizen, stated that he owns property on the Provo River. He said he was concerned about people having parties on his land and people who do not respect his property. Despite these concerns he still lets people fish on his river.

Mr. James O'Neal, private citizen, indicated he has been fishing the Provo river for 49 years and expressed his disappointment that there is now a section of the river that he can't fish. He does not believe that a one size fits all philosophy with fishing regulation is going to work.

Mr. Roger Jette, private citizen, cited a Utah Supreme Court ruling in 2008 that gave the citizens of Utah the right to fish in public waters that crossed private lands.

Mr. Tim Hawkes, Trout Unlimited, expressed his support for the measures taken by the Task Force today. He said he hoped people, with good faith and integrity, will continue to sit down and work together to resolve day-to-day conflicts.

Mr. Randy Sessions, private citizen, stated that water is a finite resource and he stressed the need to protect it. He said that H.B. 141 protects these resources.

Mr. Brent Bohmon, private citizen, commented that the demand for recreation on public land has expanded. He indicated his support for the Walk-in Access program.

Mr. Floyd Hatch, private citizen, stated he was involved in the passage of H.B. 141. He pointed out the importance to landowners to know who is using their property.

Mr. Clint Menke, Rocking HR Ranches, stated that he thought the Walk-in Access program is a great way to get the landowners involved and give them a say in the process.

Mr. Terry Opheikens, President, Rocky Mountain Anglers Fishing Club in Utah, commented on fishing fees indicating that boaters who fish on flat waters pay more than other fisherman. He said he would like to see the fees on the streams not apply to the flat water fishers.

Mr. Bob Diblee, Trout Unlimited, said he felt like he did not have any input on H.B. 141. He said the more public waters there are, the more restoring and protecting there is to do.

Mr. Jim Morkin, member, Rocky Mountain Anglers Fishing Club in Utah, expressed his opposition to raising license fees strictly to pay landowners.

## **6. Other items / Adjourn**

Chair Brown recognized Rep. Gowans for his many years of service in the Legislature.

**MOTION:** Sen. Knudson moved to adjourn. The motion passed unanimously with Sen. Bramble absent for the vote.

Chair Brown adjourned the meeting at 12:50 p.m.